

COUNTY COUNSEL

Program Summaries

The programs set forth below highlight the core legal functions of the particular area described. Allocation of Full Time Employee (FTE) represents an equivalent of full time employees since most duties are performed by multiple attorneys depending on current staffing. In addition to those primary duties, all of the attorneys in the office appear and advise on a wide variety of matters including: all aspects of civil litigation inclusive of writ proceedings, court hearings, public records and subpoena/deposition requests, etc. Deputies are involved in the development and rendering of both oral and written legal advice regarding the resolution of issues that may have far-reaching implications for County operations and programs. Deputies act as general legal advisors to the assigned County department, and supervise and participate in the resolution of difficult or complex legal questions regarding department's respective powers, duties, procedures and operations. All attorneys draft and review contracts, ordinances, resolutions, and other legal instruments as part of the day-to-day operations of this department.

Statutory/State Programs

Public Guardian
Positions: 1 FTE
Extra Help: \$0

Total Appropriations: \$190,875
Total Revenues: \$119,000
Net County Cost: \$71,875

This attorney represents the Public Guardian in all facets of litigation on behalf of the County, including Probate, Limited and LPS Conservatorships from early disposition to judgment after jury or court trial and appeals to the Appellate and Supreme Courts. When an estate or trust has assets, fees are requested and collected. Representation of the Public Guardian also encompasses advising Adult Protective Services, IHHS Programs and sometimes MSSP/Linkages.

Elder Protection, Public Guardian & Litigation
Positions: 1 FTE
Extra Help: \$0

Total Appropriations: \$181,214
Total Revenues: \$0
Net County Cost: \$181,214

The attorney for the Department of Human Services, assigned to the Elder Protection Unit, represents the interests of senior citizens on conservatorship with the Public Guardian, in all facets of litigation involving elder abuse, from detection and investigation of alleged elder abuse, to preparation of complex civil litigation for asset recovery from perpetrators. The attorney provides training and renders advice to the Deputy Public Guardian staff concerning clients. Due to the increase in work generated by the Public Guardian, this position is no longer back-up to Public Guardian but is expected to devote at least 50% of its time to Public Guardian work. Also provides back up for Children's Protective Services (CPS) caseloads. When there are sufficient assets to pay for the conservatee's needs, County Counsel will receive attorney's fees commensurate with the conservatee's ability to pay. This discretionary program began in 2006 with the staff in the District Attorney's office, the Department of Human Services, and County Counsel working in collaboration.

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Children’s Protective Services

Positions: 2 FTE

Extra Help: \$0

Total Appropriations: \$345,044

Total Revenues: \$0

Net County Cost: \$345,044

The attorneys for Department of Human Services Children’s Protective Services represent the Department of Human Services in all facets of litigation of Welfare & Institutions Code 300 cases from early disposition to disposition/judgment after trial, and appeals to the Appellate and Supreme Courts. The attorneys provide in-depth training, establish and review policies and procedures, and review and comment on current and proposed legislation and case law to the Department of Human Services personnel to improve case handling and outcomes including after hours consultations on warrants and placement of endangered minors. The cost of County Counsel representation for the Department of Human Services is allocated through the A-87 Cost Plan and is applied toward the County’s match requirement for Social Services programs.

Land Use/Transportation/Capital Improvement Programs

Planning & Land Use

Positions: 1 FTE

Extra Help: \$0

Total Appropriations: \$179,307

Total Revenues: \$0

Net County Cost: \$179,307

The attorney for Land Use and Planning represents the Development Services Department in all aspects of land use, including the preparation, implementation, review, and defense of the County’s General Plan, zoning and use permits, development denials and approvals and CEQA issues; advises on complex land use issues such as Rare Plants, Affordable Housing, and INRMP; and reviews and guides implementation and defense of policies, procedures and programs such as the mitigation fee programs. Other duties performed include Building (permits/subpoenas), code enforcement, Surveyor’s Office, Agriculture Department, review County CEQA documents for capital improvement projects (primarily for DOT and General Services). This position advises the CAO and Development Services on land use issues and Human Services on Affordable Housing issues. The attorney oversees, participates in, and/or performs defense of administrative and writ proceedings on land use policies and approvals. The attorney sits with and advises various land use commissions including the Planning Commission and the Agriculture Commission.

Department of Transportation/Ambulance

Positions: 2 FTE

Extra Help: \$0

Total Appropriations: \$386,410

Total Revenues: \$252,000

Net County Cost: \$134,410

The Principal Assistant County Counsel and one attorney for Transportation, Capital Improvement Programs, Facilities and Complex Project Development provide legal advice and support for all aspects of work for the Department of Transportation, inclusive of airports and trails. They provide advice on and assist in the coordination of the capital improvement projects, from the planning and design function of the project, the right-of-way acquisition/condemnation and utility relocation phase, through construction and claims management and resolution. Staff represent the County in administrative claims and civil litigation regarding project approval, CEQA compliance, permits, bid protests/disputes, claims, and construction litigation. They advise on complex funding requirements through State and

COUNTY COUNSEL

Federal sources. They also participate, advise and coordinate complex projects for other departments such as the selection of and contract for ambulance services which involved the potential for significant liability (e.g. anti-trust violations).

Administrative/General Government

County Counsel and Chief Assistant

County Counsel

Positions: 2 FTE

Extra Help: \$0

Total Appropriations: \$518,768

Total Revenues: \$0

Net County Cost: \$518,768

The County Counsel and Chief Assistant County Counsel plan and direct the activities and operations of the County Counsel's Office, and serve as the legal representative of the Board of Supervisors, all County departments, boards and commissions, on assigned litigation and business matters, mandated functions (e.g. County election proceedings, writs of habeas corpus, etc.) providing highly responsible and complex administrative support to the Board of Supervisors. In addition to evaluating day-to-day and long range legal matters having an impact on the County, the County Counsel and Chief Assistant County Counsel establish County-wide legal controls and procedures, and communicate these goals, programs, policies and procedures to staff, the public, the CAO, other County departments and state and local agencies. They maintain current knowledge of changes in directives, policies, statutes and regulations which affect operations, and make suggestions on proposed legislation and regulations concerning the County.

Human Resources, Risk Management and Sheriff

Positions: 1 FTE

Extra Help: \$0

Total Appropriations: \$181,530

Total Revenues: \$65,000

Net County Cost: \$116,530

This attorney provides legal advice and support to all departments regarding personnel issues, grievances and disciplinary actions. This attorney appears on behalf of departments at Civil Service Hearings, and represents the County at PERB hearings. This attorney also sits as part of the County's Threat Assessment Team and advises on medical and disability issues in addition to reviewing and drafting personnel policies and provides advice during labor negotiations. The attorney in this position provides legal advice to Risk Management. As counsel for the Sheriff, in addition to advising on their personnel issues, this position reviews policy manuals and attends their Sheriff section meetings.

General Law, Litigation,

Environmental Management, Contracts,

all other departments

Positions: 1 FTE

Extra Help: \$0

Total Appropriations: \$168,788

Total Revenues: \$67,670

Net County Cost: \$101,118

The attorney in this assignment provides legal advice and support on a wide variety of legal issues that are encountered by any County Department along with the Air Quality Management District and the Public Housing Authority. These legal issues include the review and development of responses to subpoenas and Public Record Act requests and representing employees who have been subpoenaed as witnesses in various civil, criminal or administrative

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proceedings. This position represents various County Departments in writ proceedings in civil court, administrative proceedings including the State Department of Administrative Hearings,

the Civil Service Commission, the Equal Employment Opportunity Commission, the Department of Fair Employment and Housing, the Department of Housing and Urban Development, the Air District Hearing Board and the Assessment Appeals Board. In addition to the litigation related duties, this attorney also provides support services for many County Departments and Agencies with contract review; review and advice on project bids and review and advice regarding proposed rule adoption and ordinances. This position also oversees and assists in directing the litigation being handled by outside counsel.

Administrative/Office Support

Administration, Operations Support

Positions: 5 FTE

Extra Help: \$0

Total Appropriations: \$400,860

Total Revenues: \$0

Net County Cost: \$400,860

One Fiscal Technician provides business support including budgeting, accounting, payroll, purchasing, contract coordination and computer services. One Sr. Legal Secretary position provides supervision and work flow planning of secretarial staff in addition to providing secretarial support and computer services. This position plus three other legal secretarial positions provide support for 11 attorneys along with direct interaction with client/departments and the general public. In addition to direct attorney support, each secretarial position is dedicated to a specific support function that works directly with client/departments in facilitating their individual programs such as Public Guardian, Children's Protective Services, and Planning.

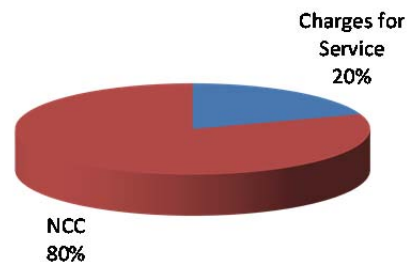
Financial Charts

Source of Funds

Charge for Services (\$503,670):

The department charges departments with outside funding sources to cover the cost of its services. The largest

portion of this revenue is derived from The Department of Transportation. The department also receives some revenues for legal services provided to conservatees. This revenue is projected at \$119,000.



Net County Cost (\$2,048,912): The department is primarily funded with discretionary General Fund tax dollars. These revenues are collected in Department 15 – General Fund Other Operations.

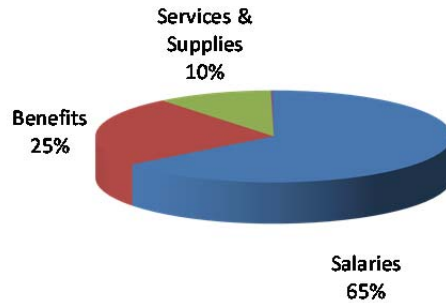
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Use of Funds

Salaries & Benefits (\$2,277,278): Primarily comprised of general salaries and benefits (\$1,806,691), retirement (\$281,538), retiree health (\$15,560), workers' compensation (\$3,769) and health insurance (\$169,280).

Services & Supplies (\$268,379):

Major expenses include maintenance and updates to the law library (\$74,496), legal database subscription (\$18,612), rent & lease equipment (\$12,138), contract attorney fees (\$65,000) for on-going litigation, and costs for staff training which is required by the California State Bar Association in order for the attorneys to maintain their licenses to practice law, Bar Association dues, and mileage for work-related travel (\$39,700).



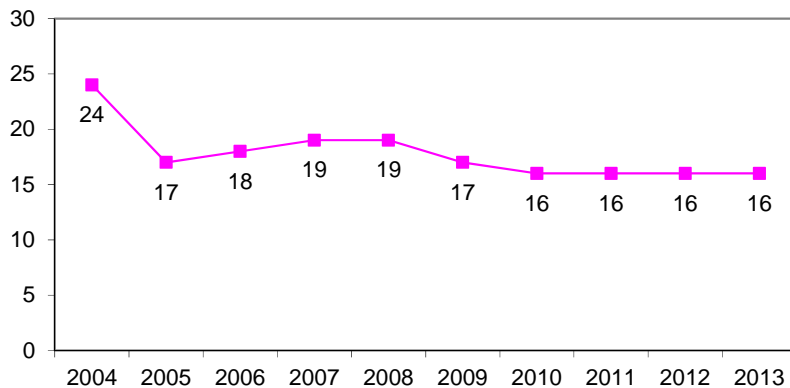
Other Charges (\$160): Miscellaneous charges from other county departments.

Intrafund Transfers (\$36,765): Intrafund transfers consist of charges from other departments for services such as mainframe support (\$4,373), network support (\$16,589), and telephone (\$7,962).

Intrafund Abatements (-\$30,000): Intrafund abatements consist of revenues from general fund departments, primarily County Engineer, within Department of Transportation.

Staffing Trend

County Counsel staffing has declined over the past ten years, from 24 FTE in FY 2003-04 to 16 FTE in FY 2012-13. The reduction of five FTE is attributable to the move of the Revenue Recovery function to the Treasurer-Tax Collector in FY 2004-05. All staff are located on the West Slope.



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Chief Administrative Office Comments

The Recommended Budget represents an overall increase of \$3,500 or 1% in revenues and a decrease of \$6,598 or less than 1% in appropriations when compared to the FY 2011-12 approved budget. As a result, the Net County Cost has decreased \$10,098 or less than 1%.

The change in revenues is due to a slight increase in anticipated revenues from departments for legal services. The change in appropriations is the result of offsetting increases in salary and benefits and reductions in services and supplies. Salary and benefits are increasing due to projected increases in health insurance premiums, movement on the salary step scale, and projected pay-outs for vacation and management leave. Services and supplies are reduced in outside legal services and staff development.

County Counsel's budget request included 1 additional Deputy County Counsel and 0.75 FTE Legal Secretary primarily to help with the workload generated by Public Guardian and Mental Health, which has increased substantially according to the department. County Counsel has indicated that if the workload continues at its current level without additional staff, the office will be required to reduce the level of service it provides to the Public Guardian and Mental Health, or as an alternative, the office's ability to render general legal services in a timely manner will be compromised. We have not included the requested staff because at the time of budget preparation, discussions between Health and Human Services, County Counsel, and the CAO regarding the best way to staff and fund this function had not concluded. Discussions will continue and recommendations will be brought back to the Board for consideration.

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Financial Information by Fund Type

FUND TYPE: 10 GENERAL FUND
DEPARTMENT: 07 CC - COUNTY COUNSEL

		CURRENT YR		CAO	
		MID-YEAR	APPROVED	DEPARTMENT	RECOMMENDED
		PROJECTION	BUDGET	REQUEST	BUDGET
					DIFFERENCE
TYPE: R REVENUE					
SUBOBJ	SUBOBJ TITLE				
1380	LEGAL SERVICES	119,000	119,000	119,000	119,000
1810	INTERFND REV: COUNTY COUNSEL	381,170	381,170	384,670	384,670
CLASS: 13	REV: CHARGE FOR SERVICES	500,170	500,170	503,670	503,670
TYPE: R SUBTOTAL		500,170	500,170	503,670	503,670
					3,500

COUNTY COUNSEL

Financial Information by Fund Type

FUND TYPE: 10 GENERAL FUND
 DEPARTMENT: 07 CC - COUNTY COUNSEL

		CURRENT YR		DEPARTMENT	CAO	
		MID-YEAR	APPROVED	REQUEST	RECOMMENDED	DIFFERENCE
		PROJECTION	BUDGET		BUDGET	
TYPE: E EXPENDITURE						
SUBOBJ	SUBOBJ TITLE					
3000	PERMANENT EMPLOYEES / ELECTED	1,509,807	1,559,807	1,807,729	1,584,300	24,493
3001	TEMPORARY EMPLOYEES	35,050	35,050	0	0	-35,050
3004	OTHER COMPENSATION	55,544	55,544	63,276	63,276	7,732
3020	RETIREMENT EMPLOYER SHARE	278,945	278,945	281,538	281,538	2,593
3022	MEDI CARE EMPLOYER SHARE	23,982	23,982	24,002	24,002	20
3040	HEALTH INSURANCE EMPLOYER	188,712	188,712	169,280	169,280	-19,432
3041	UNEMPLOYMENT INSURANCE EMPLOYER	12,948	12,948	12,880	12,880	-68
3042	LONG TERM DISABILITY EMPLOYER	5,773	5,773	5,957	5,957	184
3043	DEFERRED COMPENSATION EMPLOYER	31,320	31,320	20,716	20,716	-10,604
3046	RETIREE HEALTH: DEFINED	16,024	16,024	16,024	15,560	-464
3060	WORKERS' COMPENSATION EMPLOYER	8,744	8,744	8,744	3,769	-4,975
3080	FLEXIBLE BENEFITS	30,000	30,000	96,000	96,000	66,000
CLASS: 30	SALARY & EMPLOYEE BENEFITS	2,196,849	2,246,849	2,506,146	2,277,278	30,429
4041	COUNTY PASS THRU TELEPHONE CHARGES	384	384	384	384	0
4100	INSURANCE: PREMIUM	7,639	7,639	7,639	6,865	-774
4141	MAINT: OFFICE EQUIPMENT	285	285	285	285	0
4144	MAINT: COMPUTER	3,596	3,596	3,684	3,684	88
4220	MEMBERSHIPS	9,510	9,510	9,970	9,970	460
4221	MEMBERSHIPS: LEGISLATIVE ADVOCACY	2,000	2,000	2,100	2,100	100
4260	OFFICE EXPENSE	10,500	10,500	10,500	10,500	0
4261	POSTAGE	2,158	2,158	2,155	2,155	-3
4263	SUBSCRIPTION / NEWSPAPER / JOURNALS	2,703	2,703	1,910	1,910	-793
4265	LAW BOOKS	74,496	74,496	74,496	74,496	0
4266	PRINTING / DUPLICATING SERVICES	1,000	1,000	1,000	1,000	0
4267	ON-LINE SUBSCRIPTIONS	17,724	17,724	18,612	18,612	888
4300	PROFESSIONAL & SPECIALIZED SERVICES	14,950	14,950	14,050	14,050	-900
4315	CONTRACT: LEGAL ATTORNEY	98,973	98,973	65,000	65,000	-33,973
4325	AB75: HOSPITAL	130	130	260	260	130
4400	PUBLICATION & LEGAL NOTICES	1,000	1,000	2,000	2,000	1,000
4420	RENT & LEASE: EQUIPMENT	12,221	12,221	12,138	12,138	-83
4440	RENT & LEASE: BUILDING &	780	780	840	840	60
4500	SPECIAL DEPT EXPENSE	500	500	500	500	0
4503	STAFF DEVELOPMENT	7,040	7,040	7,680	7,680	640
4529	SOFTWARE LICENSE	3,200	3,200	3,200	3,200	0
4600	TRANSPORTATION & TRAVEL	7,700	7,700	8,400	8,400	700
4602	MILEAGE: EMPLOYEE PRIVATE AUTO	13,200	13,200	13,200	13,200	0
4605	RENT & LEASE: VEHICLE	450	450	450	450	0
4606	FUEL PURCHASES	300	300	300	300	0
4608	HOTEL ACCOMMODATIONS	7,700	7,700	8,400	8,400	700
CLASS: 40	SERVICE & SUPPLIES	300,139	300,139	269,153	268,379	-31,760
5300	INTERFND: SERVICE BETWEEN FUND	80	80	160	160	80

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Financial Information by Fund Type

FUND TYPE: 10 GENERAL FUND
 DEPARTMENT: 07 CC - COUNTY COUNSEL

		CURRENT YR		DEPARTMENT	CAO	
		MID-YEAR	APPROVED	REQUEST	RECOMMENDED	
		PROJECTION	BUDGET		BUDGET	DIFFERENCE
CLASS: 50	OTHER CHARGES	80	80	160	160	80
7210	INTRAFND: COLLECTIONS	250	250	250	250	0
7220	INTRAFND: TELEPHONE EQUIPMENT &	7,962	7,962	7,962	7,962	0
7223	INTRAFND: MAIL SERVICE	2,075	2,075	2,075	4,434	2,359
7224	INTRAFND: STORES SUPPORT	963	963	963	257	-706
7225	INTRAFND: CENTRAL DUPLICATING	500	500	500	500	0
7227	INTRAFND: MAINFRAME SUPPORT	4,373	4,373	4,373	4,373	0
7229	INTRAFND: PC SUPPORT	1,000	1,000	2,000	2,000	1,000
7232	INTRAFND: MAINT BLDG & IMPROVMNTS	400	400	400	400	0
7234	INTRAFND: NETWORK SUPPORT	16,589	16,589	16,589	16,589	0
CLASS: 72	INTRAFUND TRANSFERS	34,112	34,112	35,112	36,765	2,653
7350	INTRFND ABATEMENTS: GF ONLY	-22,000	-22,000	-30,000	-30,000	-8,000
CLASS: 73	INTRAFUND ABATEMENT	-22,000	-22,000	-30,000	-30,000	-8,000
TYPE: E SUBTOTAL		2,509,180	2,559,180	2,780,571	2,552,582	-6,598
FUND TYPE: 10	SUBTOTAL	2,009,010	2,059,010	2,276,901	2,048,912	-10,098
DEPARTMENT: 07	SUBTOTAL	2,009,010	2,059,010	2,276,901	2,048,912	-10,098

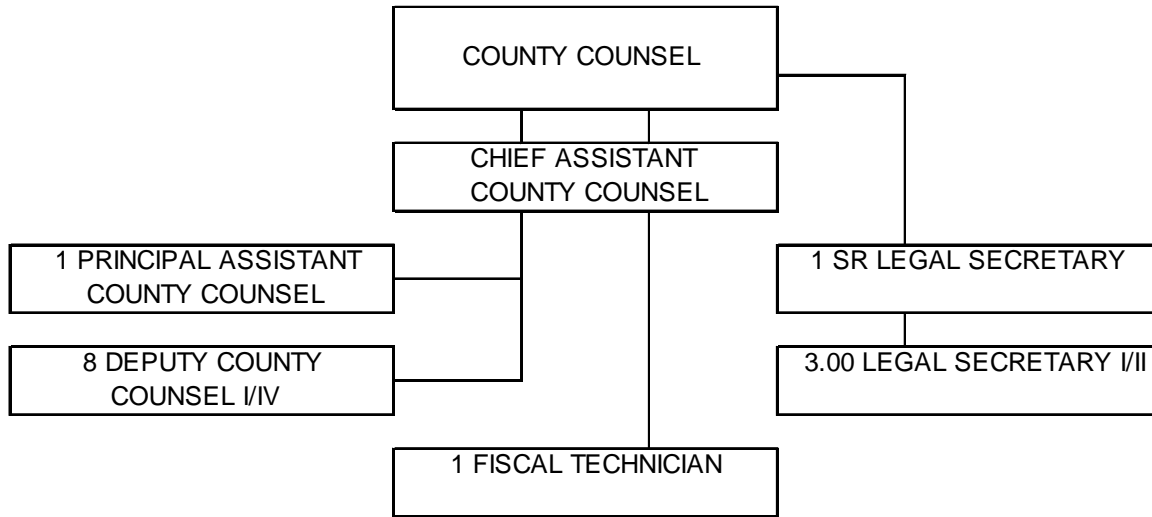
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Personnel Allocation

Classification Title	2011-12 Adjusted Allocation	2012-13 Dept Request	2012-13 CAO Recm'd	Diff from Adjusted
County Counsel	1.00	1.00	1.00	-
Chief Assistant County Counsel	1.00	1.00	1.00	-
Deputy County Counsel I - IV	8.00	9.00	8.00	-
Fiscal Technician	1.00	1.00	1.00	-
Legal Secretary I/II	3.00	3.75	3.00	-
Sr. Legal Secretary	1.00	1.00	1.00	-
Principal Assistant County Counsel	1.00	1.00	1.00	-
Department Total	16.00	17.75	16.00	-

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12/13 PROJECTED ORGANIZATIONAL CHART
FTE 16.00**



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Ten Year History

	03/04 Actual	04/05 Actual	05/06 Actual	06/07 Actual	07/08 Actual
State	-	-	-	-	-
Charges for Service	489,475	337,855	492,706	656,559	646,312
Misc.	16,032	48	-	-	-
Total Revenue	505,507	337,903	492,706	656,559	646,312
Salaries	1,403,404	1,122,707	1,298,180	1,506,142	1,615,593
Benefits	440,772	413,619	516,660	548,554	580,491
Services & Supplies	1,238,134	1,084,570	1,142,939	554,217	300,197
Other Charges	100	290	240	240	-
Fixed Assets	-	2,228	-	37,879	-
Intrafund Transfers	42,517	8,807	11,858	17,434	(16,252)
Total Appropriations	3,124,927	2,632,221	2,969,877	2,664,466	2,480,029
NCC	2,619,420	2,294,318	2,477,171	2,007,907	1,833,717
FTE's	24	17	18	19	19

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Ten Year History

	08/09 Actual	09/10 Actual	10/11 Actual	11/12 Projected	12/13 Budget
State	-	-	-	-	-
Charges for Service	622,743	671,704	600,849	500,170	503,670
Misc.	6,588	426	-	-	-
Total Revenue	629,331	672,130	600,849	500,170	503,670
Salaries	1,588,461	1,595,876	1,662,993	1,600,401	1,647,576
Benefits	616,775	583,602	603,124	596,448	629,702
Services & Supplies	173,329	191,398	204,933	300,139	268,379
Other Charges	-	-	-	80	160
Fixed Assets	-	-	-	-	-
Intrafund Transfers	25,571	10,590	24,228	12,112	6,765
Total Appropriations	2,404,136	2,381,466	2,495,278	2,509,180	2,552,582
NCC	1,774,805	1,709,336	1,894,429	2,009,010	2,048,912
FTE's	17	16	16	16	16

10 Year Variance		
	\$ Change	% Change
State	-	N/A
Charges for Service	14,195	3%
Misc.	(16,032)	-100%
Total Revenue	(1,837)	0%
Salaries	244,172	17%
Benefits	188,930	43%
Services & Supplies	(969,755)	-78%
Other Charges	60	60%
Fixed Assets	-	N/A
Intrafund Transfers	(35,752)	-84%
Total Appropriations	(572,345)	-18%
NCC	(570,508)	-22%
FTE's	(8)	-33%

Notes

FY 2004-05 Revenue Recovery function moved to Treasurer-Tax Collector (5 FTE's)

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